

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 1759 OF 2023
IN
CRIMINAL APPEAL NO. 397 OF 2023**

Vyankati Ratan Pawale
and others

.. Applicants

Versus

The State of Maharashtra and another

.. Respondents

Mr. Avinash D. Hande, Advocate for the Applicants.
Smt. D. S. Jape, APP for Respondent No. 1.

CORAM : KISHORE C. SANT, J.

DATED : 04th MAY, 2023.

P C. :-

- . Heard learned advocate for the applicants and learned A.P.P.
2. At the outset, learned advocate for the applicants seeks leave to add party i.e. hospital through its manager.
3. Leave is granted. Amendment be carried out forthwith.
4. This is an application seeking suspension of sentence awarded by the learned Additional Sessions Judge-1, Nanded for the offences punishable under Sections 143, 147, 336, 353, 332, 323, 504, 427 r/w Section 149 of the Indian Penal Code (for short "I.P.C.") and the offence punishable under Section 3 of the Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence or

Damage to Loss Property) Act, 2010 (for short “Act of 2010) and the offence punishable under Section 7 (1) (a) and (b) of the Criminal Law Amendment Act, 1932 (for short “Act of 1932”).

5. The applicants are sentenced to suffer rigorous imprisonment for a period of six months and to pay fine of Rs. 1,000/- each, in default to suffer rigorous imprisonment for a period of 15 days each for the offence punishable under Section 147 of the I.P.C. They are sentenced to suffer rigorous imprisonment for a period of one year and to pay fine of Rs. 2,000/- each, in default to suffer rigorous imprisonment for a period of one month each for the offence punishable under Section 336 r/w Section 149 of the I.P.C. They are sentenced to suffer rigorous imprisonment for a period of two years and to pay fine of Rs. 10,000/- each, in default to suffer rigorous imprisonment for a period of six months each for the offence punishable under Section 353 r/w Section 149 of the I.P.C. They are sentenced to suffer rigorous imprisonment for a period of two years and to pay fine of Rs. 10,000/- each, in default to suffer rigorous imprisonment for a period of six months each for the offence punishable under Section 332 r/w Section 149 of the I.P.C. They are sentenced to pay fine of Rs. 10,000/- each, in default to suffer rigorous imprisonment for a period of three months each for the offence punishable under Section 427 r/w Section 149 of the I.P.C.

They are sentenced to suffer rigorous imprisonment for a period of two years and to pay fine of Rs. 25,000/- each, in default to suffer rigorous imprisonment for a period of six months each for the offence punishable under Section 4 of the Act of 2010.

6. All the sentences are directed to run concurrently. All the applicants have deposited the fine amount in the learned Trial Court on the date of judgment. Their sentences are suspended by the learned Trial Court till the appeal period.

7. Looking to the fact that, the sentences are short sentences as maximum sentence awarded is for two (02) years and considering that all the applicants were on bail during the trial and they have deposited the fine amount, this Court finds that, the application can be allowed. Hence, the following order is passed.

8. The criminal application stands allowed.

9. The sentences as awarded by the learned Trial Court by the judgment and order dated 17.04.2023 stands suspended till further orders.

(KISHORE C. SANT, J.)